

**MAYOR AND CITY COUNCIL
CITY OF SEAT PLEASANT
SPECIAL MEETING
WEDNESDAY, JANUARY 18, 2012
5:30P.M.**

1. OPENING

1.1.1 Call to Order

Councilman Yeargin called the meeting to order at 5:41p.m.

1.1.2 Roll Call

Present: Mayor Eugene Grant (Absent), Councilmember Darrell Hardy, Councilmember Kelly Porter (Late Arrival) , Councilmember Gerald R. Raynor, Sr., Councilmember Elenora Simms, Councilmember Aretha Stephenson (Absent), Councilmember Reveral Yeargin

Staff: Vincent E. Jones, City Administrator and Dashaun Lanham, City Clerk

2. PRESENTATIONS:

- None

3. MEETING TOPICS:

- 3.1.1. City Attorney Interviews
- Funk & Bolton
- Michelle Sawyer stated that they have represented municipalities in Prince Georges County and as General Counsel. They are full services and they write ordinances, attend meetings and consult with staff. Karen would be the representative for the City of Seat Pleasant if chosen,
- Karen Ruff stated that she has been practicing since 1987 in municipal law. She stated they do everything for the city and towns that would need services.
- They were the legislative liaison for Prince George's County. They have been through all the County Council and the District Council. They are familiar with the zoning laws. They attend court for Code Enforcement. They have worked with jurisdiction with Public Works, Police, Finance and Personnel.
- They have assisted the City of Bowie with the construction management of the Bowie City Hall. Councilman Yeargin requested the attorney costs associated with the project. They stated they would provide the information. They have

notice the City of Seat Pleasant has a construction RFP's pending. They work with College Park Authority.

- Michelle has worked with Funk & Bolton for four years. She stated that she is currently representing Dorchester County, Caroline County Board of Appeals. She is overseeing a Real Estate Service group by providing settlement services. Kent County representation by drafting ordinance. She has assisted the counsel with representation with Prince George's County Police Department.
- Councilman Hardy wanted to know what set their firm apart from other firms. Michelle stated that they are the largest municipal government representation and representing the City of Bowie for over twenty years. We have ten attorneys in our practice group. We have a number of attorneys that can represent on various areas.
- We have Lindsey Rader who specializes in Bond work and financing. They have an attorney that can represent you on bond bills. We have litigators that practice specifically for local government matters.
- Karen and I are the General Counsel. We are developing ethics commission and she serves on the Maryland Municipal League Legislative Committee. She is the liaison for the Municipal Attorney's. We have representation for personnel and an environmental attorney. They have a number of attorneys with a number of particular specializations.
- Councilman Raynor wanted to know the win lose records for the firm. They do not have a record and they try to keep their clients out of court. Most of the litigation they do for their clients is generally won.
- The perspective for municipal government tends to be in court for Personnel issues and they have an excellent attorney. All of their discussions have been one on appeal.
- Councilman Raynor wanted to know the first order of business for the City. They normally spend the first six weeks coming up to speed and reviewing the files to become familiar with your issues.
- Councilman Porter wanted to know the first interest in representing the City of Seat Pleasant. He stated that the City is very budget conscious and have stayed in the black in the economic times.
- Elissa stated she is from Prince George's County and she grew up here and she feels like she is coming home when crosses the County lines. They have represented a number municipalities in the County and they have strong ties to Prince George's County. They have the largest number of municipalities. The cost to come to speed will depend on what the City has going on and the number of clients.

- Karen stated that whenever they see an RFP for an attorney they apply for the position to expand. They are familiar with the County Code, and they represent all municipalities whether the size. We understand that they do not have a lot of money and we can work to keep the cost down with the smaller municipalities.
- Elissa stated that she is under budget with all her municipalities this year. We have attorneys that have done the work before and we do not try to re invent the wheel.
- The rate varies from jurisdiction and the rate for Seat Pleasant would be \$175 per hour.
- Councilman Yeargin wanted to know if they had a newsletter for the firm. They stated that on occasion, but they do send out bulletin of what will impact the municipalities.
- They monitor the state and local legislations to keep the municipalities apprise. Their attorneys are members of the Municipal Board of Association and they try to get involved.
- Councilman Porter stated that annexation is something that we have been looking into for a number years. We are interested in having someone to represent us for annexation, and economic development. He would be interested in having someone representing us with all the expertise.
- Councilman Porter wanted to know how they handle the type of situation when two of the clients are going after the same monies. They stated they have always served their clients. They stated that they do not represent any clients that are close to the city that will pose a threat.
- They stated they would expect the City to inform them of any concerns regarding billing issues or any other concerns.
- Councilwoman Simms wanted to know how long they have been around and who is Funk & Bolton. They stated that they have been around for over twenty years and David Funk specialize in Insurance Work and is representative LGIT. Brian Bolton is a commercial litigator.
- Mr. Jones requested them to expound on annexation and Economic Development. They have done developers writes and responsibility. Typically the negotiations starts with the client they normally put the clients vision on paper.
- Silber & Perlman
- Councilman Porter introduced the City Council and informed them that we have one council person out sick and one vacant seat they are looking to fill soon.
- Linda Perlman, Susan Silber and Kenneth

- They would be the attorneys to represent Seat Pleasant. They have represented municipalities since 1988 and the services they will provide will depend on the town needs.
- They can attend council meetings if needed. They draft ordinances and resolutions and review for legal sufficiency, budget and tax issue, license procedure. They advise regularly on city procurement and on real property type of agreement. They do a lot of code enforcement, and they have reviewed the City Charter and stated that the city may want to update the municipal infractions to \$1,000 as Prince George's County allows.
- They advise committees and commission and none of the towns they represent have zoning authority and neither does Seat Pleasant, which doesn't mean that you are not concerned with development.
- They have worked with the Town of Brentwood in developing their New City Hall, which they traded properties with a church. They hope they can work on a more proactive basis and solve problems early. They have proposed an hourly rate of \$150 per hour they are willing to consider a fix rate. If they are not required to attend the monthly meetings they will attend on voluntarily basis to get to know the counsel. They will have a telephone conference monthly with the Mayor, City Administrator or Council President.
- They have represented towns for thirty years without any breaks, which indicates the type of firm they are.
- Kenneth stated that he likes to work closely with staff and elected officials, which works better when providing legal advice.
- Councilman Yeargin inquired on the relationship with Mount Rainier and stated that they have represented Takoma Park the longest. He stated the outcome of projects is very crucial in keeping the firm on broad. He stated that we are trying to get involved in projects soon. He stated that we have a partial of land at the end of 69th street that we are considering renovation or developing the land.
- Councilman Porter stated that the City has started the process with a structural engineer and we have been considering this project for a number of years.
- Councilwoman Simms stated that her colleagues have said it all. We are interested in developing the Martin Luther King corridor and the Feggans Center. We are looking for someone with that experience and background. She stated that we will need to have legal guidance to ensure that we can annex.
- They stated that they are experience in the annexation and development.

- They inquired of issues that the city was having with SHA. Councilman Porter stated that the city was cited to receive development on MLK, but for various reason the money was placed on hold. It was several million dollar project.
- Councilman Raynor stated from the Public Safety aspect and he wanted to know how their representation could assist with District of Columbia and Fairmount Heights. They stated that they can create a task force to address the concerns. They asked if we had an arrangement with Fairmount Heights. Councilman Porter stated that we had developed a tri city arrangement. He stated that we are talking about a collaborative effort with Fairmount Heights and Capitol Heights on the Blue Line Corridor.
- Councilman Raynor wanted to know the experience in dealing with condemning a building. They stated that it is a lengthy process and they have had some success in the past.
- Council, Baradel, Kosmerl & Nolan PA
- Fred Sussman and Suellen Ferguson
- Fred stated that they are happy to be here tonight and respond to the RFP. He stated that he had worked with Seat Pleasant from 1986-1989 and they were invited back after representing the City in the Election case involving Thurman Jones and Former Mayor Kennedy. He upheld the City election law and was successful in case.
- He stated that he believes the city and he had been very successful in navigating through issue.
- He stated that we had accomplished the election case, when he was approached several years ago on some wrong doings from a former City Administrator in bringing justice for the city. He stated we had recently brought some closure.
- He looked at some challenges in the Eads Street Developers and they were able to navigate it well as we chose the right paths to eliminate our liability and exposure.
- We had not had many personnel issues and it was complaint against a Former Code Enforcement Officer with an EEOC complaint.
- The contracts entered into by the former Acting City Administrator for the copier. He navigated through this and had the contracts cancelled with limited exposure to the City. He stated we went to court and prevailed.
- He stated that all of the things he had been involved with the City he handled them in the appropriate way. He has worked with the Mayor, Council, City Administrator and staff.

- What do we do with the Feggans Center and he feels that he has the necessary skills with him and Suellen and the staff at his office to handle the process.
- He stated he was involved with the Town of LaPlata with the land swap and it was great outcome in building the new town hall.
- He stated they have 30 years or so in municipal experience with a team. He stated that they have attorneys with expertise in other firms through their partnership that can provide the assistances, if needed.
- He stated his firm has twenty-eight attorneys and it isn't anything that they cannot handle. They represent about thirteen municipalities.
- He stated that there are very few municipalities that have the same problems. They represent three in this area, Seat Pleasant, Capitol Heights and Glenarden.
- He stated that it isn't a day that he and Suellen do not collaborate on concerns. He stated that they work as a team and they are each other primary back up.
- He stated that the motto "City of Excellence" he feels they bring excellence to the city in representation.
- He stated that he works primarily with the staff and have an excellent relationship with Mr. Jones, Mr. Ashton and Mrs. Lanham. He said the staff is the ones to work on concerns for the council and they can answer if there are any concerns.
- He stated that they have enjoyed working with the City and look forward to working with them. He said the RFP stated a one year contract. He says his contract will allow a termination in thirty days on either side.
- He stated that in his proposal the rate will be the same until 2015, and well beyond that time. He would hope that in the rates that they will see value in stability, professional, quality and timeliness in work. He said it is more than how much per hour, but what are you getting for the rate.
- He stated that he has the institutional knowledge with past issues that had come up several years ago. He stated that this is why municipal attorneys like to stay on unless there are any propelling issues.
- Councilwoman Simms stated that his comments were so thorough and we have been working with him for a long time.
- Councilman Yeargin stated that since we have you on board where are we with the Feggans Center project.
- He stated that he had worked with Mr. Jones in the feasibility study and he gave some recommendations to him and the study is under way.
- He stated that he had received an e-mail from the Mayor requesting a timeline. He stated to the Mayor that his recommendations would be for them to not

pursue this right now. He stated the he did not want to waste the city monies at this stage until the City has decided on the attorney.

- Councilman Yeargin asked if he heard any word from the council regarding the feggans center. Mr. Sussman stated he has not but heard from the Mr. Jones and Mayor Grant. He attended a meeting sometime ago with Mr. Ashton and Mayor Grant.
- He stated the issue is in the lease back document and they will not provide it to us until we commit and enter into an agreement with Kratos.
- He think that as we move forward we have clear understanding of the working relationship and communications regardless if it is the Mayor, Mr. Jones or Mrs. Lanham.
- Councilman Raynor asked him about annexation and he stated that he has done more annexation than any attorney in the state. He has written on annexation and he had given presentations on annexation for MML and he is regularly consulted by other attorneys. He stated he has completed about twenty five annexation. He stated he has worked with developer on annexation of sewer lines.
- He stated that there are some issues that need to be worked out in the State. He stated the annexation as it exists requires the municipality to make certain plans and regarding zoning.
- Councilman Raynor stated that we can address it when we need him to jump on the properties we want to inquire. He stated that he should be involved in the beginning.
- Councilman Raynor wanted to know about condemning building. He stated that he met with Mr. Jones, the Code Enforcement, and Police Chief with concerns regarding how it is being done and the forms. He stated he had not received any feedback until yesterday. Mr. Jones had sent him an email yesterday saying they had completed the process as recommended. He has requested Mr. Jones to submit the documentation that was forwarded to the property owner for review.
- Councilman Raynor wanted to know if there were any incidents that he had gone to Annapolis on behalf of the city. Mr. Sussman stated no he has never been asked. He stated that he has gone before the general assembly on behalf of MML regarding some of the legislation issues regarding the law on elected officials and those that are interested in becoming an elected official.
- Councilman Raynor wanted to know what has been his history in keeping the city in municipal laws and how does he plan to inform us, if he stays on board.
- Fred stated that he stays current on the Federal and local and state issues. He stated that he brought the ethics and cooperative purchase to the city and

changes were made to the city code. He sends e-mail to all of clients on a number of issues.

- He stated he enjoys the work he does and is responsive to his clients.
- Councilman Yeargin wanted to know if there was legal newsletter. Fred stated that they do not have a newsletter. He finds that it is more effective to have direct communication with his clients. He stated that is why they represent so many municipalities, as they do not promote themselves.
- Councilman Porter stated that from time to time it is necessary to put out a proposal to see what can be available to us. He said it is not reflection on the work you have done for us over the years. We like to see what is available to us in the best interest of our citizenry.
- He stated that he Councilman Yeargin have been the longest council members on the council.
- Councilman Yeargin asked if he locked his fees until 2015 and if it was negotiable. Fred stated that this was the rate he charged to all his clients. He stated that he hopes you are getting the value for your money. He stated that it is about our responsiveness, professionalism and availability.
- He stated that he has represented us for a number of years and has the institutional knowledge in the way the city conducts the business.
- Councilman Yeargin stated that in this crisis time and everyone is taking cuts from the top to the bottom. So he wanted to know if it was negotiable. Fred stated that in 2010 he billed the city on all general matters in calendar year 2012 was \$32,000, which calculated to 210 hours. In calendar year 2011 it was 262 hours of work. He stated that having that been said if that is the only issue he would be willing to reduce the rate by \$10.00 per hour. Councilman Yeargin stated that money isn't the only issue. He has asked him the same questions he asked the other firms. We are looking to get more bangs for the buck and for our citizenry.
- Fred stated that if you feel you cannot pay \$185 per hour he can reduce it by \$10.00 per hour.
- Suellen stated that she represents five municipality and she and Fred talk all the time. She said before she had come to the firm she would call upon Fred and that is the reason she joined them.
- She stated the newsletter is advertisement. We get telephone calls all the time from firms asking if they can provide this service. We strongly feel the best way is to notify our clients directly. She stated they talk and share contracts.
- She will be going before the planning board tomorrow for College Park. She stated that she knew that Councilwoman Toles is a new council person. She

stated that she is on the zoning board for the County Council and she has been before them a few times.

- Fred stated on behalf of he and Suellen he thank the City for the past eleven years in representing them. He stated that he knows that the city has received a number of responses and he hopes that they will continue to represent the city.

5. UNFINISHED BUSINESS:

- None

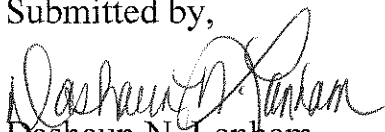
6. ANNOUNCEMENTS

6.1.1. Maryland Consumer Rights Coalition Documentary "Stealing Trust", Thursday, January 19, 2012 at 7:00p.m., the Seat Pleasant City Hall Council Chambers

6.1.2. Special Session, City Hall-Council Chambers, Friday, January 20, 2012 at 5:30p.m.

ADJOURN- The meeting adjourned at 8:21p.m.

Submitted by,


Dashaun N. Lanham
City Clerk